

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROGER EDWARD JEROME BIEROS,	:	CIVIL ACTION
Petitioner	:	
	:	
VS.	:	
	:	
SUPERINTENDENT KENNETH KYLER	:	
(SCI at Huntingdon),	:	
AND	:	
THE DISTRICT ATTORNEY OF	:	
THE COUNTY OF PHILADELPHIA,	:	
AND	:	
THE ATTORNEY GENERAL OF	:	
THE STATE OF PENNSYLVANIA,	:	
Respondents	:	NO. 02-4453

ORDER

AND NOW, this 23rd day of October, 2002, upon consideration of petitioner's Petition for Writ of Habeas Corpus, and after a thorough investigation of the procedural history of the instant habeas petition, it is apparent that the petitioner has failed to exhaust his state remedies. Accordingly, it is hereby ORDERED that petitioner's motion for appointment of counsel filed with the Clerk on October 21, 2002 (document #10), is DENIED, since there is no automatic right to counsel in a federal habeas corpus proceeding. Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991).

It is so ORDERED.

BY THE COURT:

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CHARLES B. SMITH  
UNITED STATES MAGISTRATE JUDGE